



"Weigert, David (ENRD)"
 <DWeigert@enrd.usdoj.gov>
 04/28/2005 05:41 PM

To "mkm@spsk.com" <mkm@spsk.com>,
 "stonear@BIPC.com" <stonear@BIPC.com>,
 "jotoole@saul.com" <jotoole@saul.com>,
 cc William Tucker/R2/USEPA/US@EPA,
 "wcanavantucker@aol.com" <wcanavantucker@aol.com>,
 John Prince/R2/USEPA/US@EPA, Grisell
 bcc

Subject Kin-Buc: Consent Decree

Dear Counsel:

FYI, below are two additional public comments I just received. Also, FYI, we just received a faxed copy of an inquiry from Senator Lautenberg's office that essentially reiterates EWA's concerns (in particular, the list submitted by Pat Hudacsko, below). To avoid confusion and mixed messages, if you have any comments on the comments, please direct them to us, not to the commenters. Any motion to enter will include a uniform set of responses to all comments. Thanks.

Yours,
 David

David L. Weigert
 Trial Attorney
 U.S. Department of Justice
 Environmental Enforcement Section
 P.O. Box 7611
 Ben Franklin Station
 Washington D.C. 20044-7611
 (202) 514-0133
 fax (202) 616-2427
 david.weigert@usdoj.gov

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-----Original Message-----

From: sandrian@verizon.net [mailto:sandrian@verizon.net]
 Sent: Wednesday, April 27, 2005 10:23 PM
 To: Weigert, David (ENRD)
 Cc: rspiegel@edisonwetlands.org
 Subject: Kin-Buc Landfill settlement - Civil Action 02-2077

Mr. David Weigert
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044

Re: U.S.EPA v. Chemical Waste Management, Inc.
US District Court for District of New Jersey
Civil Action 02-2077

Dear Mr. Weigert:

I am hardly an expert in any of these areas, but I have lived in Metuchen NJ (which is surrounded by Edison) for 18 years.

I am not what you would call an activist but I am a member of Edison Wetlands Association and I am familiar with most of the other local conservation groups - if in name only.

It seems to me that the remarks submitted by Mr. Spiegel of EWA make a lot of sense. If any organization has shown the determination and has local commitment it is EWA.

A search for references to "Clean Land Fund" shows very little except that the IRS took 2.5 years to decide they could operate as a not for profit.

In fact there is little evidence to suggest that they are a bone-fide environmental group. In fact EPA document 231-R-99-007 about Brownfields redevelopment lists them as a possible source for financing assistance. I believe there is a place for redevelopment of brownfields as a variety of multi-use areas - this is not it.

I urge you to heed Mr. Spiegels advice and turn the land over to a legitimate conservation organization or to Edison township with the necessary easements.

Sincerely
Peter Fairclough
Metuchen NJ 08840

-----Original Message-----

From: PatHudacsko@aol.com [<mailto:PatHudacsko@aol.com>]
Sent: Thursday, April 28, 2005 1:07 PM
To: Weigert, David (ENRD)
Subject: U.S.EPA v. Chemical Waste Management, Inc

Dear Mr. Weigert:

I am a member of the environmental group, Edison Wetlands Association.Â With

regard to U.S.EPA v. Chemical Waste Management, Inc. - US District Court for District of New Jersey - Civil Action 02-2077, I wish to express my concern. Edison Wetlands Association president, is much more knowledgeable of this situation than myself so I am forwarding his comments from a recent letter to you.

Under Section 122(d)(2) of CERCLA, 42 U.S.C. & 9622(d)(2) and 28CFR&50.7, I wish to offer up comments on the proposed consent decree between the responsible parties from Kin-Buc Landfill Superfund Site, the U.S. Environmental Protection Agency (U.S.EPA) and the U.S. Department of Justice (DOJ) because it is my opinion that the decree in its present form is not fair or reasonable or in the public interest.

The proposed consent decree would allow the responsible parties to deed over a significant portion of land and cash to a third-party Brownfield redeveloper that calls itself a conservation group. This group, the Clean Land Fund, would get title to this strategic land along the lower Raritan River. As outlined, this project referred to as a Brownfield-to-Greenfield project by the Clean Land Fund would partly consist of this group spraying the area with a large amount of herbicide over several years, destroying the existing vegetation in a misguided attempt to plant other wetlands species in the area.

I strongly object to the settlement for several reasons:

1. Bald Eagles, Osprey and many other species of threatened wildlife inhabit the area. The project as envisioned would be a disaster for this fragile ecosystem, as there are many documented failures for this type of approach.
2. The Consent Decree states that the U.S.EPA shall have final determination to qualify an organization as a "conservation organization" in its sole, unreviewable discretion. However, this important project will have a significant impact on the Hudson-Raritan Estuary, so its designation as such should be done in consultation with the Township of Edison, the County of Middlesex and the State of New Jersey, as well as local and statewide environmental groups.
3. The Clean Land Fund is essentially a for-profit Brownfield Redeveloper masking itself as non-profit. They are not a conservation organization and have no experience with a conservation project of this scope or size. It would set a bad precedent to allow this group to mask itself as a conservation organization and allow it the opportunity to conduct this misguided project for their own financial benefits.
4. The U.S.EPA/DOJ could accomplish the same goal of land conservation in the lower Raritan by directly deeding the fee simple for the land to the

Township of Edison and placing a conservation easement on the land through an existing, actual conservation organization such as the Edison Greenways, NY/NJ Baykeeper, or other conservation groups.

5. Several of the properties in the consent decree may be contaminated by past disposal discharges from Kin-Buc Landfill and other sites.Â These properties must be sampled and remediated by the responsible parties before any land can be transferred to Clean Land Fund or a real conservation organization.Â Remediation of any of the properties found to be contaminated must take place prior to any project being considered.

The lower Raritan River is a river in recovery.Â Its industrial legacy has caused many problems, but it also presents an opportunity to clean up and preserve its remaining natural areas.Â The Raritan River is an estuary where life begins, and it must be treated as such, rather than as a new area to be exploited by outside groups seeking windfall profits under misleading pretenses.

I respectfully request that you do whatever is possible to prevent further damaging this sensitive area.Â Thank you for your understanding and action.

Yours truly,
Pat Hudacsko